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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/561,101 | 12/16/05 | Brian Smith, et al | 68.US2.PCT |

CONFIRMATION NO.

1263

ARENA PHARCEUTICALS, INC.
6166 NANCY RIDGE DRIVE
SAN DIEGO CA 92121

Date Mailed: May 08, 2009

NOTICE OF IMPROPER LETTER OF EXPRESS ABANDONMENT

The letter of express abandonment under 37 CFR 1.138 dated April 23, 2009 is improper for reason(s) indicated below:

- ☒ 1. The letter of express abandonment was not signed by a party authorized under 37 CFR 1.33(b)(1), (b)(3), or (b)(4). A registered practitioner, not of record, who acts in a representative capacity under 37 CFR 1.34 when filing a continuing application, may only expressly abandon the prior application as of the filing date granted to the continuing application. See 37 CFR 1.138(b).
- ☐ 2. The letter of express abandonment was not filed prior to the payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing a petition under 37 CFR 1.313 to withdraw this application from issue.
- ☐ 3. The letter of express abandonment was not filed prior to the issuance of the patent.
- ☐ 4. The letter of express abandonment was not filed prior to the abandonment of the application. A notice of abandonment was mailed to the applicant on _____.

Inquiries regarding this communication should be directed to the Office of Data Management at (571) 272-4200.

Norm Barnes
Patent Publication Branch
Office of Data Management